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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,412	09/29/2003	Kenneth M. Lenkiewicz	71189-1553	2411
20915	7590	07/28/2004	EXAMINER	
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			SNIDER, THERESA T	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/605,412	LENKIEWICZ ET AL.	
	Examiner	Art Unit	
	Theresa T Snider	1744	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11, 12 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 17-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

Exemplary of such:

[0007.2], it is unclear as to what is meant by 'spaced apart, axially aligned relationship';

it is unclear as to what is meant by 'substantial axial alignment'.

[0032], it is unclear as to what is meant by 'axial alignment', substantial axial alignment'.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11-12 and 17-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 11, line 5, 'module' should be replaced with 'housing';

Line 14, it is unclear as to what is meant by 'associated with'; are the simply in fluid communication or physically attached?

Line 24, it is unclear as to what is meant by 'spaced apart, axially aligned relationship'. Axis of what?

Lines 29 and 31, it is unclear as to what is meant by 'axial alignment'; what axis?

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Claims 12, 17-19 and 21-24, line 1, 'A' should be replaced with 'The'.

Claim 17, line 2, it is unclear as to what is meant by 'axial alignment'.

Claim 20, line 4, it is unclear as to what is meant by 'associated with'; are they simply in fluid communication or physically attached?

Line 9, it is unclear as to what is meant by 'spaced apart, axially aligned relationship'. Axis of what?

Line 10, 'an electrical' should be replaced with 'the electrical';

Line 14, it is unclear as to what is meant by 'axial alignment'; what axis?

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 20-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Finnel.

Finnel discloses a base housing (fig. 10, #16,21).

Finnel discloses an upright handle (fig. 1, #22,44).

Finnel discloses a suction nozzle associated with the housing (fig. 10, #15a,b).

Finnel discloses a vacuum source in fluid communication with the nozzle (page 3, line 63).

Finnel discloses an electrical cord mounted to the handle (fig. 1, #47).

Finnel discloses upper and lower cord wraps in alignment with each other (fig. 1, unnumbered elements located on either side of #44).

Finnel discloses the cord mounted in substantial alignment with the wraps and projects from the handle in a relatively straight line between the handle and the wraps (fig. 1, #47).

With respect to claim 21, Finnel discloses a strain relief collar on the cord (fig. 1, unnumbered element to left of #48).

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bradd et al. in view of Rutter et al..

Bradd et al. discloses a similar surface cleaner however fails to disclose an electrical in substantial axial alignment with cord wraps.

Bradd et al. discloses a base housing (fig. 1, #60).

Bradd et al. discloses an upright handle (fig. 1, #30).

Bradd et al. discloses a liquid dispenser system (col. 5, line 47-col. 6, lines 52).

Bradd et al. discloses a liquid supply tank removably mounted to the handle (fig. 1, #40).

Bradd et al. discloses a liquid supply conduit connected to the tank and the dispenser (col. 5, lines 47-55).

Bradd et al. discloses a recovery tank (fig. 1, #50).

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Bradd et al. discloses a suction nozzle (fig. 1, #70).

Bradd et al. discloses a working air conduit connected between the nozzle and the recovery tank (col. 4, lines 61-col. 5, line12).

Bradd et al. discloses a vacuum source (col. 3, lines 35).

Bradd et al. discloses a supply tank mounting assembly on the handle (col. 6, lines 60-col. 7, line 3).

Bradd et al. discloses a cord wrap on the handle (fig. 3, unnumbered element above #312). Rutter et al. discloses a surface cleaning apparatus with a cord wrap on the handle and an electrical cord, mounted to the handle, having a strain relief collar aligned with the cord wrap (figs. 3 & 5, #16,114A,114, unnumbered element located between element #16 and #106). It would have been obvious to one of ordinary skill in the art to provide the cord alignment of Rutter et al. in Bradd et al., absent the showing of unexpected results, the location of the electrical cord relative to the cord wraps is a matter of design choice.

With respect to claims 17, Rutter et al. discloses the collar being aligned with an axis of the wraps, a parallel line (fig. 3).

With respect to claims 18-19, it would have been obvious to one of ordinary skill in the art that the location of where the cord exits the cleaner in Bradd et al. in view of Rutter et al. is a matter of design choice, absent any unexpected results.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bradd et al. in view of Rutter et al. as applied to claim 11 above, and further in view of McCabe et al..

Bradd et al. in view of Rutter et al. discloses a similar cleaning apparatus however fails to disclose the strain relief collar being formed of an elastomeric material.

Rutter et al. discloses the strain relief collar being a spring (fig. 3). McCabe et al. discloses a surface-cleaning machine having an electrical cord with a strain relief collar formed of an elastomeric material (fig. 19, #168). It would have been obvious to one of ordinary skill in the art to substitute the collar of Bradd et al. in view of Rutter et al. with that of McCabe et al. to prevent one from getting objects caught in the coils of the spring.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finnel as applied to claim 20 above, and further in view of McCabe et al..

Finnel discloses a similar cleaning apparatus however fails to disclose the strain relief collar being formed of an elastomeric material.

Finnel discloses the strain relief collar including a spring a spring (fig. 1). McCabe et al. discloses a surface-cleaning machine having an electrical cord with a strain relief collar formed of an elastomeric material (fig. 19, #168). It would have been obvious to one of ordinary skill in the art to substitute the collar of Finnel with that of McCabe et al. to prevent one from getting objects caught in the coils of the spring.

10. Claims 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finnel.

Finnel discloses a similar surface cleaner however fails to disclose the cord exiting the cleaner below the lower cord wrap.

It would have been obvious to one of ordinary skill in the art that the location of where the cord exits the cleaner in Finnel is a matter of design choice, absent any unexpected results.

### ***Response to Arguments***

11. Applicant's arguments filed 6/3/2004 have been fully considered but they are not persuasive. Applicant urges the cord and collar of Rutter et al is offset from the wraps. Applicant is believed to be in error with his arguments because the recites 'substantial' axial alignment. It is believed that both Rutter et al. Finnel disclose both the cord and the collar to be in 'substantial' alignment with the common axis passing through both cord wraps. It is further believed, absent any unexpected results, the alignment of the cord and collar on the same axis that passes through both cord wraps is a matter of design choice.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

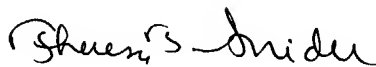
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**THERESA T. SNIDER**  
**PRIMARY EXAMINER**

Theresa T Snider  
Primary Examiner  
Art Unit 1744

7/26/2004